IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 445 OF 2007(C)

PETITIONER:

BABU.K.A., S/O.AYYAPPAN,
KAITHAMAN, MULAVUKAD, ERNAKULAM.

BY ADV. SRI.B.RAMAN PILLAI
SRI.R.ANIL
SRI.RAJU RADHAKRISHNAN
SRI.ANIL K.MOHAMMED

RESPONDENTS:

1. STATE OF KERALA,
REP.BY THE HOME SECRETARY,
THIRUVANANTHAPURAM.

2. THE KERALA STATE FINANCIAL
ENTERPRISES LTD., REP.BY ITS MANAGING DIRECTOR,
BHARATH, MUSEUM ROAD,
THRISSUR.

3. SPECIAL DEPUTY TAHSILDAR (R.R.),
KERALA STATE FINANCIAL ENTERPRISES LTD,
KOLLAM.

4. THE BRANCH MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LTD.,
KAYAMKULAM.

5. S.PREM LAL,
THUNDIL VEEDU, MYANADU P.O.,
KOLLAM.

BY ADV. SRI.A.K.JOHN, ADDL.SC., KSFE LTD.
GOVT. PLEADER SRI. M.A. FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.(C) NO. 445 OF 2007.

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DATED THIS, THE 10TH DAY OF JANUARY, 2007

J U D G M E N T

Ext. P1 is a demand notice served on the petitioner under Section 7 of the Revenue Recovery Act for the defaulted amount due from the principal debtor, the 5th respondent herein. Petitioner was a guarantor to the transaction in question. The standing counsel appearing on behalf of the Kerala State Financial Enterprises submits that notice has already been issued to the principal debtor simultaneously.

2. In the circumstances, there will be a direction that in case petitioner pays an amount of Rs. 20,000/- (twenty thousand) in two equal monthly installments, further proceedings pursuant to Ext.P1 will stand stayed. First of such installment will fall due on 9.2.2007 and the second, on 9.3.2007. There will be a further direction to the K.S.F.E. to proceed against the principal debtor and only in case the amount could not be released from him, shall proceed against the petitioner thereafter. In case petitioner fails to comply with the direction as aforesaid, he will loose the benefit of this judgment.

The writ petition is disposed of as above.

(Issue photo copy).

P.R. RAMAN,
JUDGE.

knc/-